

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18698 of 2004

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DATED: 25.07.2007

Between:

Eluri Ramaiah

.. Petitioner

And

The Mandal Revenue Officer,
Komarole Mandal, Prakasam District
and others.

.. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18698 of 2004

ORDER:

This writ petition is filed by the petitioner seeking a Mandamus declaring the action of the respondents in harassing him to hand over the bore well dug by him in his own premises bearing D.No.8-81F, Gonepalli, Bramhanapalli Panchayat, Komarole Mandal, Prakasam District, which he has been using for his household purpose, without issuing any notice or holding any enquiry as illegal and arbitrary.

The case of the petitioner is that he is the owner and possessor of the premises bearing D.N.8-81F, Gonepalli, Bramhanapalli Panchayat, Komarole Mandal, Prakasam District, and that he dug a bore well in the said premises in the year 2001 and using for his household purpose. The grievance of the petitioner is that due to change in political scenario and at the instance of the rival political group, the second and third respondents are harassing him to hand over the bore well to them. Further, on enquiry, the petitioner came to know that the second respondent issued a letter on 21.07.2004 to the first respondent informing him that the petitioner occupied the Government hand pump and requesting him to bring it for the public purpose. The petitioner further submits that if the respondents issue notice, he can appear before them and establish his ownership, but neither a notice was issued nor any enquiry was conducted by any of the respondents. So, the petitioner himself got issued a legal notice,

dated 23.07.2004, to the respondents, but there is no reply from the respondents. However, the second and third respondents are still continuing to harass the petitioner through their agents insisting him to hand over the bore well. Hence, the petitioner filed this writ petition.

This Court, on 12.10.2004, while posting the writ petition for admission has directed the respondents not to prevent the petitioner from drawing the water without issuing any notice. Thereafter, this Court was pleased to admit the writ petition on 17.11.2004 and again passed the similar interim order in WPMP.No.24594 of 2004 on 17.11.2004.

In the light of the said orders, this Court is of the view that no further orders need be passed in this writ petition.

Accordingly, this writ petition is closed.

(GOPALA KRISHNA TAMADA,J)

Dt.25.07.2007

v v